IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

RPFC.No. 213 of 2007()

MC.405/2004 of FAMILY COURT, THRISSUR
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REVISION PETITIONERS/PETITIONERS
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1. M.MALITHA, AGED 30 YEARS,
D/O.HAMEED HAJI, RESIDING AT NASEEB VILLA,
POST KOTTAPADY AMSOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.

2. MOHAMMED AMAN (MINOR), AGED 3 YEARS,
S/O.RESPONDENT ASHMIN REPRESENTED BY MOTHER/
GUARDIAN, IST PETITIONER M.MALITHA, D/O. HAMEED
HAJI, RESIDING AT NASEEB VILLA, POST KOTTAPPADY
AMSOM, CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.M.C.JOHN

RESPONDENTS:

ASHMIN, AGED ABOUT 32 YEARS,
S/O.NALIPPARAMBU KOLLIYIL ASHRAF,
KIT KAT LANE, POST FORT KOCHI-682 002.

BY ADV. SRI.K.A.JALEEL
SRI.N.K.POULOSEKUTTY

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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R.P.(FC) NO. 213 OF 2007

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Dated this the 25th day of September, 2007.

ORDER

The revision petitioners are the former wife and minor child of the respondent. M.C. No. 405 of 2004 was filed by the revision petitioner before the Family Court, Thrissur seeking maintenance to both of them. Since the marriage between the revision petitioner and the respondent was dissolved on 27.09.2005 and also since both of them had remarried, the only surviving claim was the claim for maintenance on behalf of the minor child. On 24.03.2007 when the matter was taken up for consideration before the court below, the 1st revision petitioner and the minor child were absent before the Court. An offer was made from the side of the respondent herein that he will pay maintenance to the child at the rate of Rs.750/- per month as against the claim of Rs.5000/- per month. The Family Court straightaway ordered the respondent to pay the said amount offered by him as maintenance to the minor child. It is the said order passed by the Family Court on 24.03.2007 which is assailed in this revision.

2. I do not find any reason to justify the order for maintenance to the minor child at the rate of RS.750/- per month on the sole

ground that it was the offer made by the father. Instead of favourably responding to the said offer, the Family Court should have adjudicated upon the relative means of the parties and the reasonable and fair amount of maintenance to be given to the child. Hence, the order dated 24.03.2007 in M.C. No. 405/2004 passed by the Family Court is set aside and the matter is remanded to that Court for fresh consideration on the merits of the claim made on behalf of the minor child. The parties shall appear before the Family Court without any further notice on **23.10.2007.**

The R.P(FC) is disposed of accordingly.

V. RAMKUMAR, JUDGE.

rv